

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Noble Drew Ali, et.al. :  
Plaintiffs : No. 5:18-cv-5655  
: (Complaint filed 1/14/19)  
v. :  
: (Honorable Joseph F. Leeson, Jr.)  
Mary Mongiovi Sponugle, et.al., :  
Defendants : (electronically filed)  
: JURY TRIAL DEMANDED

**MOTION TO DISMISS BY DEFENDANTS MARK SHIVERS (OFFICIAL CAPACITY),  
OFFICER SNYDER (OFFICIAL CAPACITY), AND TOM RUDZINSKI, CHIEF OF  
MANHEIM TOWNSHIP POLICE DEPARTMENT**

**Operative Complaint**

1. Plaintiffs filed their initial complaint in this matter on December 31, 2018. (Doc. 1).
2. On February 15, 2019, Plaintiffs filed an amended complaint. (Doc. 4).
3. Plaintiffs filed yet another “amended complaint” on April 18, 2019 that raises claims completely unrelated to their previous filings. (Doc. 28).
4. The amended complaint should be treated as the operative complaint in this matter, as the “second amended complaint” was filed without leave of Court. *See* Fed. R. Civ. Pro. 15.

**Grounds for Dismissal**

5. Plaintiffs’ amended complaint should be dismissed because:
  - a. The complaint fails the concise pleading requirements of Fed. R. Civ. P. 8;
  - b. Plaintiffs lack standing to sue;
  - c. The complaint alleges no personal involvement by any Defendant;
  - d. The legal claims that can be gleaned from the amended complaint are meritless.

WHEREFORE, Moving Defendants respectfully request that this Court dismiss Plaintiffs' suit with prejudice.

Respectfully submitted,

**Lavery Law**

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DATE: April 29, 2019